



Town Council Agenda Report

SUBJECT: Resolution - Plat Amendment

DG 10-4-00, Young World Plat - 3301 College Avenue, Generally located at the southeast corner of University Drive and SW 30 Street.

CONTACT PERSON/NUMBER

Mark A. Kutney, AICP (797-1101)

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "YOUNG WORLD PLAT", AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The applicant proposes to amend the restrictive note on the plat **from** 38,000 square feet of auto dealership on Parcel A, 185,000 square feet of commercial on Parcel B, and a medical facility consisting of 354,079 square feet of classroom and a 70,000 square foot clinic on Parcel C: **to** 38,000 square feet of auto dealership on Parcel A, 185,000 square feet of Commercial use on Parcel B, and a medical facility consisting of 372,015 square feet of classroom and a 67,236 square foot clinic on Parcel C.

The net effect of the plat amendment is to increase the square footage of classroom area by 17,936 square feet and reduce the clinic square footage by 2,764 square feet. The trips for the increased classroom area will be transferred from the abutting Nova University No.1 Plat by application DG 10-5-00 which is being processed concurrently. A Trip Transfer Agreement will be required to be submitted at a later date. The proposed plat amendment does not increase the number of trips on the roadway network, and shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.

PREVIOUS ACTIONS: None

CONCURRENCES: None

RECOMMENDATION(S): Motion to approve.

Attachment(s): Resolution, Planning report, Justification, Plat, Plat Amendment Agreement, Land Use map, Subject Site map, and Aerial.

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "YOUNG WORLD PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subdivision plat known as Young World Plat was recorded in the public records of Broward County in Plat Book 124, Page 43; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve the proposed revision to the restrictive note shown on the Young World Plat, the proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2000.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000.

Application #: DG 10-4-00
Young World Plat

Revisions:

Exhibit "A"

Original Report Date: November 6, 2000

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

Applicant Information

Owner:

Name: Nova Southeastern
University, Inc.

Agent:

Name: Stephanie Toothaker-Walker, Atty.

Address: 3301 College Avenue

Address: 200 East Broward Blvd.

City: Davie, FL

City: Ft. Laud., FL 33301

Phone: (954)

Phone: (954) 527-6289

Background Information

Application Request: The applicant proposes to amend the restrictive note on the plat from 38,000 square feet of auto dealership on Parcel A, 185,000 square feet of commercial on Parcel B, and a medical facility consisting of 354,079 square feet of classroom and a 70,000 square foot clinic on Parcel C: to 38,000 square feet of auto dealership on Parcel A, 185,000 square feet of Commercial use on Parcel B, and a medical facility consisting of 372,015 square feet of classroom and a 67,236 square foot clinic on Parcel C.

Address/Location: 3301 College Avenue, Generally located at the southeast corner of University Drive and SW 30 Street.

Land Use Plan Designation: Regional Activity Center

Zoning: CF, Community Facility District and B-3, Planned Business District

Existing Use/Proposed Use: University Teaching Clinic, University Park Plaza Shopping Center, Ed Morse Dealership and Stor-All

Parcel Size: 16.254 acres

Surrounding Land Use:

North: Cedar Key Apartments
South: United States Post Office and Winston Academy
East: Nova Southeastern University
West: Rolling Hills Commercial and Rolling Hills Plantation development

Surrounding Zoning:

North: RS, Recreation/Open Space District, and RM-16, Medium High Dwelling District
South: CF, Community Facility District
East: CF, Community Facility District
West: B-2, Community Business District, O, Office District, and R-5, Low Medium Density Dwelling District

Zoning History

Related Zoning History: Town Council approved by Ordinance No. 98-029 a land use amendment which created the Regional Activity Center on December 18, 1998.

Previous Requests on same property: Broward County recorded an agreement amending the note on the plat on August 14, 1989.

The subject plat was recorded on August 21, 1985, Plat Book 124, Page 43 of the Broward County records.

Summary of Significant Development Review Agency Comments None

Applicable Codes and Ordinances None

Comprehensive Plan Considerations

Planning Area: The proposed project is within the Planning Area No. 8 the “heart of Davie”, and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). The SFEC includes Nova Southeastern University, Florida Atlantic University, Broward Community College, Florida International University, and Mc Fatter Vocational School, among others. The planning area also encompasses the downtown Davie Business District, where western-theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities recently annexed into the Town, and industrial land.

Broward County Comprehensive Plan: The Broward County Comprehensive Plan requires that any changes to the restrictive note on the plat be reviewed and approved or disapproved by the municipality, and with final approval by Broward County Commission.

Flexibility Zone: The proposed plat is in Flexibility Zone 99.

Concurrency Considerations: Based upon the most recently distributed edition of the Broward County Overcapacity Roadway Map, the subject area is in a compact deferral area.

Applicable Goals, Objectives & Policies: Several plan policies require consideration of traffic impacts from proposed development, and maintenance of adopted levels of service (see concurrency considerations).

Staff Analysis

The delegation request provides for a reduction of the clinic square footage from 70,000 square feet to 67,236 square feet for a total reduction of 2,764 square feet of clinic area; an increase in the classroom square footage on the plat from 354,079 square feet to 372,015 square feet which equates to an increase of 17, 936 square feet. The request will provide for an increase of 231 trips, which will be transferred from the Nova University No. 1 Plat, DG 10-5-00 which is being processed concurrently.

Staff finds the delegation request is consistent with the CF, Community Facility District permitted uses and is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie. A Trip Transfer Agreement will be required at a later date to execute the trip transfer.

Findings of Fact

The proposed change is not contrary to the Land Development Code or the adopted Comprehensive Plan, as amended, or any element or portion thereof.

Staff Recommendation

Recommendation: Based upon the above and the positive findings of fact, staff recommends approval of application number DG 10-4-00, subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.

Exhibits

Resolution, Planning Report, Justification letter, Plat, Plat Amendment Agreement, Land Use Map, Subject Site, and Aerial

Prepared By: ____

Reviewed By: ____

EXHIBIT "C"

NARRATIVE and JUSTIFICATION
for YOUNG WORLD PLAT

The Young World Plat was originally recorded on August 21, 1985. The Board of County Commissioners approved an amendment to the plat note on January 19, 1988 and again on June 6, 1995. Copies of the respective recorded Agreements for Amendment of Notation on Plat are attached.

This delegation request is being filed to again amend the plat note and represents an increase in the classroom square footage on the Young World Plat from 354,079 square feet to 372,015 square feet for a total increase of 17,936 square feet. The revised plat note also reduces the foot clinic square footage from 70,000 square feet to 67,236 square feet for a total reduction of 2,764 square feet (to represent what was actually constructed). The increase is being requested to accommodate a 30,671 square feet Assembly Building and represents a total trip increase of 231 trips.

A delegation request to amend the plat note on the Nova University No. 1 Plat is being filed together with this delegation request, to request a corresponding reduction in the classroom square footage on the Nova University No. 1 Plat from 289,600 square feet to 271,664 square feet for a total reduction of 17,936 square feet. The 231 necessary trips are therefore being transferred from the Nova University No. 1 Plat to the Young World Plat through these delegation requests to amend the plat notes.

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AGREEMENT FOR AMENDMENT
OF NOTATION ON PLAT

THIS IS an AGREEMENT between BROWARD COUNTY, a political subdivision of the State of Florida, its successors and assigns hereinafter referred to as "COUNTY";

AND

John M. Payne, Trustee, its successors and assigns, hereinafter referred to as "DEVELOPER,"

WHEREAS, DEVELOPER is the owner of Parcels "A" & "C", as shown on the YOUNG WORLD Plat, which Plat was recorded in Official Records Book 124, Page 41, in the Public Records of Broward County on August 24, 1985; and

WHEREAS, the YOUNG WORLD Plat contains the following notation on the face of the Plat:

This plat is restricted to 290 townhomes, 2 bed-rooms and 185,000 square feet of commercial. Convenience stores, fast food restaurants and service stations are not permitted without the approval of the Board of County Commissioners, who shall review and address these uses for increased impacts.

and
WHEREAS, DEVELOPER has determined there exists a need for an amendment to said notation; and

WHEREAS, the COUNTY has no objection to amending said notation and the Board of County Commissioners approved such an amendment at its meeting of January 19, 1988;

NOW, THEREFORE, in consideration of the mutual terms, conditions and promises hereinafter set forth, the COUNTY and DEVELOPER agree as follows:

1. The above recitals and representations are true and correct.
2. COUNTY and DEVELOPER hereby agree that the notation shown on the face of the YOUNG WORLD Plat for the purpose of clarifying and limiting the use of the YOUNG WORLD Plat property which states:

This plat is restricted to 290 townhomes, 2 bed-rooms and 185,000 square feet of commercial.
stores, fast food restaurants and service stations are not permitted without the approval of the Board of County Commissioners, who shall review and address these uses for increased impacts.

AUG 14 4 53 PM '85

BRW698PC1715

Approved BCC

1-19-88

Subscribed By

Office Planning

RETURN TO DOCUMENT CONTROL

13/13

is hereby amended to read as follows:

(Change note to read: "Parcels 'A' & 'C' are restricted to commercial uses and Parcel 'B' is restricted to 135,000 square feet of commercial use and convenience stores, fast-

food restaurants and service stations are not permitted without the approval of the Board of County Commissioners, who shall review and approve these uses for increased impacts, ~~and to increase the width of the 40-foot openings in the driveway to 100 feet.~~

3. This Agreement shall be recorded in the Public Records of Broward County, Florida, to evidence the agreements and representations of the parties as set forth herein.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chairman, authorized to execute same by Board action on the 11 day of September, 1987, and _____, signing by and through its _____, duly authorized to execute same.

COUNTY

ATTEST:

Charles B. Burre
County Administrator and Ex-
Officio Clerk of the Board of
County Commissioners of
Broward County, Florida

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

By Richard E. Grossman
Richard E. Grossman Chairman

8 day of August, 1987.

Approved as to form
Office of County Attorney
for Broward County, Florida
JOHN J. CAPLAN, JR., County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (305) 357-7600

By David M. Fee, Jr.
DAVID M. FEE, JR.
Assistant County Attorney

STATE OF FLORIDA)
COUNTY OF) ss.

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared Richard E. Grossman to me well known and known to me to be the Chairman of the Board of County Commissioners of Broward County, Florida, and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

1987 WITNESS my hand and official seal, this 8 day of August.



Margaret A. Martens
Notary Public

My commission expires: "OFFICIAL NOTARY SEAL"
MARGARET A. MARTENS
MY COMM. EXP. 4/16/92

CH 6678 PG 716

DEVELOPER

WITNESS:

Willie M. Hester
James M. Hester

By John H. Payne, Trustee
John H. Payne, Trustee

1st day of APRIL, 1988.

STATE OF FLORIDA)
COUNTY OF Harvard) SS.

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared John H. Payne, Trustee, to me well known and known to me to be the _____ of _____, and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 1st day of April, 1988.

James L. Hester
Notary Public

My commission expires:

NOTARY PUBLIC
JAMES L. HESTER
NOTARY PUBLIC

2046078PC717

RECORDED IN THE PUBLIC RECORDS BOOK
OF HARVARD COUNTY, FLORIDA
L. A. HESTER
COUNTY ADMINISTRATOR

**AGREEMENT FOR AMENDMENT
OF NOTATION ON PLAT**

95-547339 T0001
12-12-95 02:41PM

THIS IS an AGREEMENT between BROWARD COUNTY, a political subdivision of the State of Florida, its successors and assigns hereinafter referred to as "COUNTY";

AND

NOVA SOUTHEASTERN UNIVERSITY, INC., its successors and assigns, hereinafter referred to as "DEVELOPER."

WHEREAS, DEVELOPER is the owner of Parcel C of the Property as shown on the Young World Plat, which Plat was recorded in Plat Book 124, Page 43, in the Public Records of Broward County on May 7, 1985; and

WHEREAS, the Young World Plat contains the following notation on the face of the Plat:

This Plat is restricted to 38,000 square feet of auto dealership on Parcel A, 185,000 square feet of commercial use on Parcel B, and commercial use on Parcel C; and

WHEREAS, DEVELOPER has determined there exists a need for an amendment to said notation; and

WHEREAS, the COUNTY has no objection to amending said notation and the Board of County Commissioners approved such an amendment at its meeting of June 6, 1995;

NOW, THEREFORE, in consideration of the mutual terms, conditions and promises hereinafter set forth, the COUNTY and DEVELOPER agree as follows:

1. The above recitals and representations are true and correct.

2. COUNTY and DEVELOPER hereby agree that the notation shown on the face of the Young World Plat for the purpose of clarifying and limiting the use of the Parcel C of the Young World Plat property which states:

This Plat is restricted to 38,000 square feet of auto dealership on Parcel A, 185,000 square feet of commercial use on Parcel B and commercial use on Parcel C;

CAF#233
01/20/93

Approved BCC W/L/S #69
Submitted By Development Mgmt.
RETURN TO DOCUMENT CONTROL

EX25249PG0771

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is hereby amended to read as follows:

This Plat is restricted to 38,000 square feet of auto dealership on Parcel A, 185,000 square feet of commercial use on Parcel B, and a medical facility consisting of 354,079 square feet of classroom and a 70,000 square foot clinic on Parcel C.

3. This Agreement shall be recorded in the Public Records of Broward County, Florida, to evidence the agreements and representations of the parties as set forth herein.

IN WITNESS WHEREOF, the COUNTY and DEVELOPER have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its Board of County Commissioners, acting by and through its Chairman or Vice Chairman, authorized to execute same; and _____, duly acting by and through its _____, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and
Officio Clerk of the Board of
County Commissioners
Broward County, Florida

By _____
Chairman
day of _____, 1995



Approved as to form by
Office of County Attorney
Broward County, Florida
JOHN J. COPELAN, JR., County Attorney
Government Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (305) 357-7600
Telecopier: (305) 357-7641

By _____
Assistant County Attorney

0K24269F60712

AGREEMENT FOR AMENDMENT OF NOTATION ON PLAT BETWEEN BROWARD COUNTY
AND NOVA SOUTHEASTERN UNIVERSITY, INC.

DEVELOPER

Witnesses:

NOVA SOUTHEASTERN UNIVERSITY, INC.

John F. Schull, Jr.
Print name: JOHN F. SCHULL, JR.

By David C. Lewis
Print name: DAVID C. LEWIS
Title: PRESIDENT

Arline L. Morris
Print name: ARLINE L. MORRIS

Address: 3301 College Avenue
Fort Lauderdale, Florida 33314

(CORPORATE SEAL)

____ day of _____, 19____.

ACKNOWLEDGEMENT - INDIVIDUAL

STATE OF _____)
COUNTY OF _____) SS

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

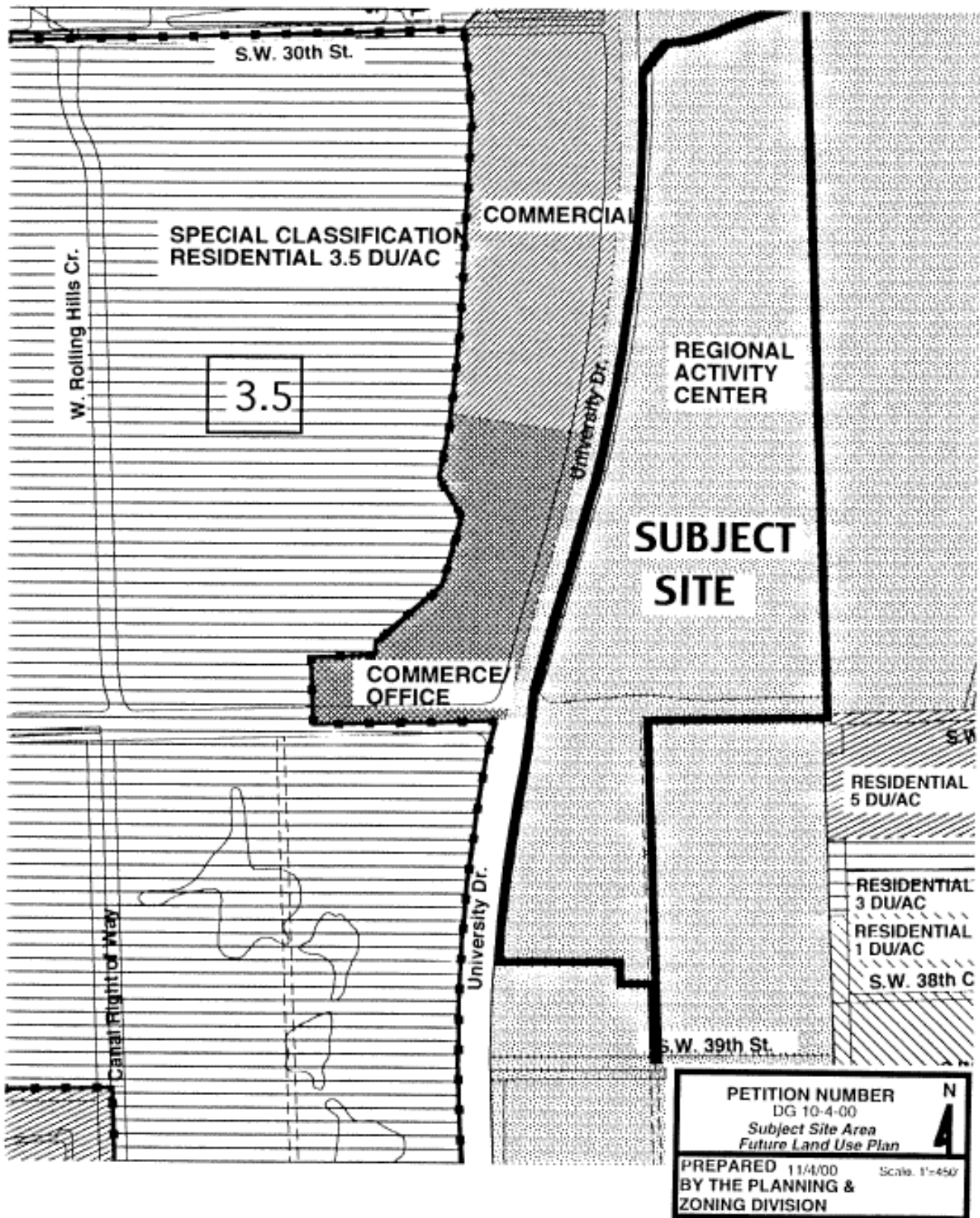
NOTARY PUBLIC:

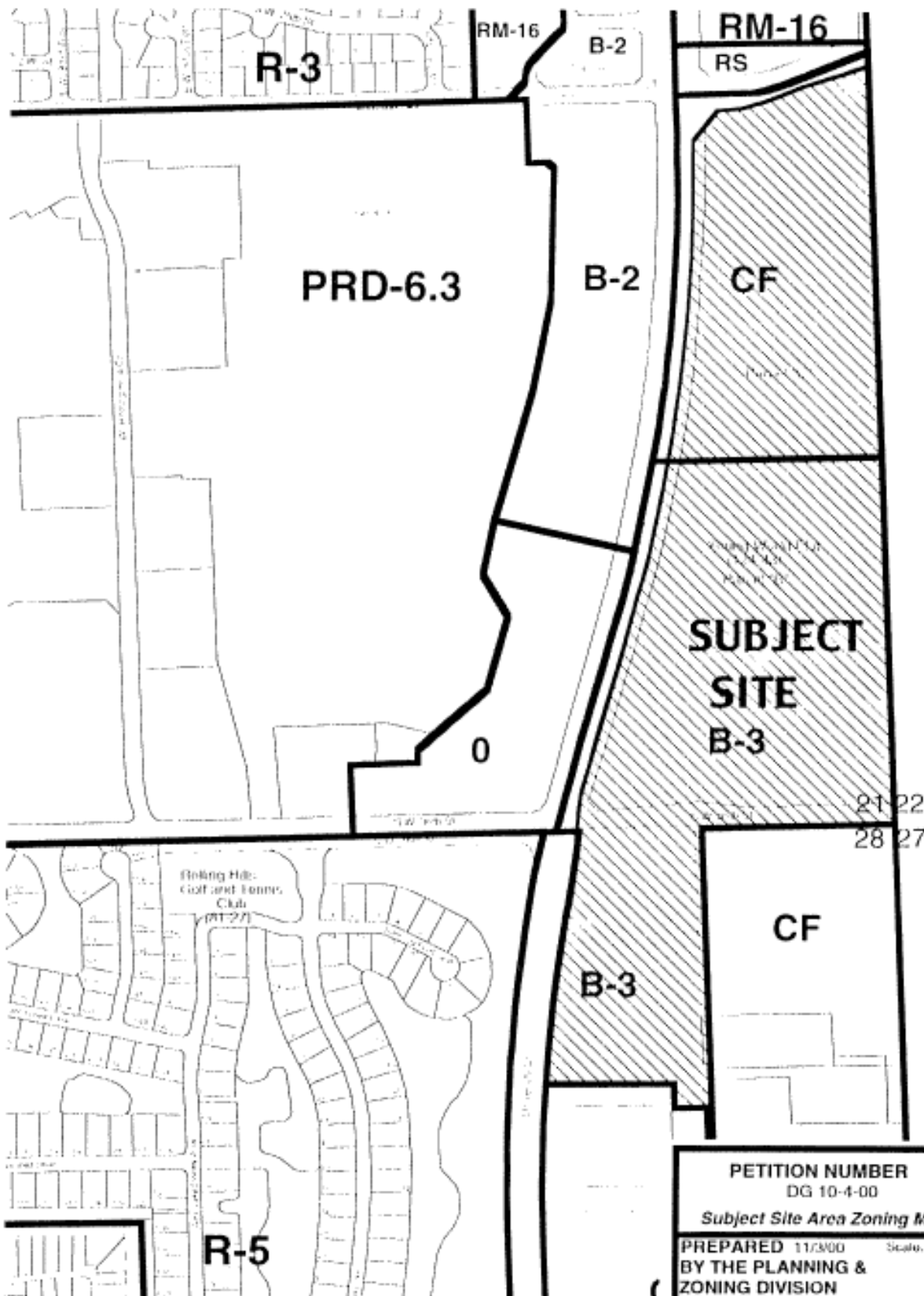
(Seal)

Print name: _____
Commission No.: _____

My commission expires:

SK2426980773





PETITION NUMBER
DG 10-4-00
Subject Site Area Zoning Map
PREPARED 11/30/00 Scale: 1"=450'
BY THE PLANNING &
ZONING DIVISION



